

Minor Parties Should Not Be Required to Subsidize Major Party Primaries

Comments Regarding HB 2504

Texas elections statutes divide political candidates into three categories: 1) those selected by political parties in primary elections, 2) those selected by political parties at conventions, and 3) independent candidates.

Group #1 are candidates from the Republican and Democratic parties. State law dictates the conditions under which a party can, and in fact must, participate in primary elections to select nominees for placement on the general election ballot.

Group #2 are candidates from smaller “convention” parties that have qualified for ballot access by either previously receiving 2% of the vote in a statewide election or by conducting a petition drive. The Libertarian and Green Parties are the only two minor political parties currently on the Texas general election ballot.

Group #3 are independent candidates who must conduct individual petition drives to get on the ballot.

At one time, candidate filing fees were only required of major party candidates (Group #1). Filing fees were established to pay for the cost of party primaries. When the fees became exorbitant as the state grew, the US Supreme Court held (*Bullock v. Carter*, [https://ballotpedia.org/Bullock v. Carter](https://ballotpedia.org/Bullock_v._Carter); 1972) that such fees amounted to an unconstitutional barrier to candidacy. Texas subsequently reduced its filing fees, choosing to fund primaries with a combination of taxpayer money and reduced fees. The state contributed taxpayer funds (<https://texasvoterchoice.org/political-welfare/>) of over \$15 million in 2016 and over \$100 million over the previous fifteen years.

Independent candidates and convention parties receive no comparable support for their ballot access activities but must pay **entirely out of their own pockets** the cost of holding nominating conventions or gathering signatures.

Only around 22% of Texas’ voting age population participated in the 2016 primaries, meaning that the 78% of Texas citizens who chose not to participate in major party primaries were still required to contribute to the taxpayer subsidy of the Republican and Democratic parties.

We understand that it is unlikely that the state will eliminate the major party subsidy for primary elections. However, it is unconscionable to us that the state elected to collect filing fees from convention party candidates – effectively using the funds to subsidize primary elections of the two major parties. While filing fees paid by the two major parties are used to reimburse the parties for holding their primary elections, convention party filing fees are simply deposited in state and county treasuries.

The provisions in HB 2504 that require filing fees from convention party candidates serve no purpose other than inhibit minor party candidates from appearing on the Texas general election ballot. The requirements for convention parties to gain and retain ballot access are egregious enough without a further diminishing the right of Texas voters to engage in free, fair, and competitive Texas elections.

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